

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOSE F. PLATERO,
Plaintiff,

v.

BANK OF AMERICA, N.A., et al.,
Defendants.

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Civil Action No. 3:11-CV-3421-M

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, & RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, & Recommendation of the United States Magistrate Judge on *Defendants' Motion to Dismiss*, filed December 14, 2011, and *Defendants' Motion to Dismiss for Failure to Prosecute*, filed April 20, 2012. No objections were filed. The District Court reviewed the proposed Findings, Conclusions, & Recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions, & Recommendation of the United States Magistrate Judge.

Accordingly, *Defendants' Motion to Dismiss*, filed December 14, 2011, is **GRANTED**, in part, and converted, in part, into a motion for summary judgment and **GRANTED**. *Defendants' Motion to Dismiss for Failure to Prosecute*, filed April 20, 2012, is **DENIED as moot**. Plaintiff's claims for violations of the Texas Property Code, the Real Estate Settlement Procedures Act, the National Housing Act, and the Texas Debt Collection Act, as well as his claims for equitable and injunctive relief against them, are dismissed with prejudice. Plaintiff's claim under the Unfunded Mandates Reform Act against them is *sua sponte* dismissed with prejudice for failure to state a claim.

SIGNED this 21st day of June, 2012.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS